IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.589 OF 2003

IN

SUMM.SUIT NO.769 OF 2003

Bhawarlal J.Jain .. Plaintiff

versus

Manakchand J.Gouti & anr .. Defendants

...

Mr.R.D.Dave i/b N.N.Vaishnava for Plaintiff

Mr.A.B.Dubey i/bR.M.Shah for Defendants.

CORAM : D.G. KARNIK, J

DATED : 14th March 2005.

P.C:-

1. Heard learned counsel for the parties.

2. Learned counsel for the plaintiff hands in the affidavit of service. Learned counsel for the defendants admits receipt of the Summons for Judgment. Despite service in July, 2003 the defendants have neither applied for leave to defend nor filed any

affidavit in reply nor produced any other material on record. In the circumstances, the plaintiff is entitled to a decree under order 37 Rule 3 (6) of the Code of Civil Procedure.

3. Learned counsel for the plaintiff hands in the original documents under a list. The documents are taken on record and collectively marked Exhibit A.

4. I have perused the plaint and the documents filed on record. The plaintiff sold, supplied and delivered to the defendants goods. The plaintiff also issued bills. The defendants has made part payment. However, the balance amount was not paid. Cheques were returned dishonoured. Office copies of the bills and the original cheques are filed on record. The plaintiff issued a notice of demand on 19th July, 2002. Despite receipt the defendants failed and neglected to make the payment.

5. The defendant no.1 is a proprietor of defendant no.2 and as such both the defendants are liable. In the circumstances, Summons for Judgment is made absolute and suit of the plaintiff is decreed as follows :

" The defendants shall pay to the plaintiff a sum of Rs.2,84,200/- together with interest at 6% p.a. from the date of the suit till payment and all costs of the suit."

D.G.KARNIK, J

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 586 OF 2003

IN

SUMM.SUIT NO. 771 OF 2003

HSBC Securities & Capital Market (I) P.Ltd..Plff

vs

Ramesh Bhowajni & anr .. Defts

..

Ms Rita Shivalkar i/b M.Sethna for Plaintiff

CORAM : D.G.KARNIK, J

DATED: 14th March, 2005.

P.C.

1. In view of the disposal of the suit does not survive and is disposed of.

D.G.KARNIK, J